

## **ADEQ SFY2020 End of Year Water Program Report:**

### **TMDL & CWA Assessment**

*Performance Period: July 1, 2019 – June 30, 2020*

#### **Introduction:**

The Standards, Monitoring and Assessment Unit and the Watershed Improvement Unit implement the CWA 303(d) and CWA 305(b) Integrated Report IR or “Assessment”, and the Total Maximum Daily Loads (TMDL) programs respectively. The IR which identifies surface water quality across the state, based on these findings the CWA requires states to take action on impaired waters by calculating and reducing pollutant loads to through TMDLs or other means.

#### **Program Performance:**

- In December 2019 ADEQ submitted the Santa Cruz River TMDL for e. coli to EPA. Following the February 2020 EPA approval, ADEQ met one of its TMDL vision priority commitments. The was developed in coordination with the NPS program and technical contract support from EPA. During the review of the the e. coli Santa Cruz River TMDL, EPA identified concerns about how to best follow the continuing planning process public advertising requirements, EPA and ADEQ should address this for future TMDLs.
- ADEQ did not submit the Pinto Creek copper TMDL which was originally due as a workplan deliverable on September 30, 2018 and eventually moved to December 31, 2020. EPA notes completion of this TMDL has persisted on ADEQ workplans since December 2004.
- ADEQ reported to EPA that it has suspended work on the Vision Commitment Queen Creek TMDL for copper due to changes in the National Waters Protection Rule. EPA notes that task for transmission to EPA, of a completed Queen Creek TMDL for copper, has persisted on workplans since the SFY06 workplan which slated the delivery date as June 2007.
- ADEQ has also reported that it suspended work on the Vision Commitment San Pedro River TMDL for e. coli. Data collection and drafting of the TMDL tasks have persisted on workplans since 2003. In the past 5 years ADEQ received more concerted technical assistance from the TMDL and NPS programs in support of completing this TMDL
- ADEQ reported to EPA that instead of TMDLs, some effort is being diverted to the Known Ongoing Unauthorized Impacts (KOUI) site activities. This relatively new program seeks to address potential sources of pollution through swift action. KOUI actions do not yet include load allocations or reductions calculations in support the NPS, TMDL, or IR programs.
- ADEQ has not met grant commitments for workplan deliverables in the performance period. Specifically, the Mule Gulch data summary is 6+ months overdue; the Big Bug data summary, due June 30, 2020 was not completed. ADEQ clarified that work was likely diverted to KOUI items but was uncertain at time of the EOY meeting. Davidson Canyon monitoring and data summary work has been suspended since July 2019. While workplan tasks can change, EPA has not received sufficient reporting to document what work ADEQ conducted in lieu of these workplan tasks.
- ADEQ continued to experience significant staff and management turnover and staff vacancies over the performance period. ADEQ has cited these challenges as a root cause of missed workplan commitments such as the Big Bug data summary and ability to make progress toward achieving program goals such as the Pinto Creek TMDL submission to EPA. In Spring 2020 ADEQ has permanently filled the Watershed Improvement Unit management position, allowing the acting manager to step back to a supporting role.

## **Financial Performance:**

Both TMDL and CWA Assessment efforts are funded by Clean Water Act 106 grant and state funds as part of the Performance Partnership Grant.

## **Highlights and Concerns:**

### *Highlights*

- The Santa Cruz TMDL for e. coli was submitted and approved achieving one of ADEQ's Vision Commitments.
- ADEQ continues to be one of several states leading efforts to automate portions of the Integrated Report process, they have created their own tools using CRAN R.

### *Concerns*

- Taken together the persistent and continued delays on transmitting a completed Pinto Creek TMDL, the suspension of long term projects that are also Vision Commitment in the San Pedro River and Queen Creek TMDLs, and the lack of planned new TMDLs in the workplan despite the number of impaired waters are concerning performance issues. The CWA section 303(d) requires ADEQ to develop TMDLs to address impaired waterbodies in the 303(d) list. EPA is concerned the tasks in the current SFY21 ADEQ workplan do not sufficiently meet this requirement.
- Data collection, analysis, and summary work is being suspended and/or has not been completed during the period. EPA does not have adequate reporting from ADEQ to document what was done instead.
- EPA sees an opportunity to integrate the KOUI response activities into the NPS, TMDL, and IR programs to better support ADEQ's goals and requirements.
- ADEQ provided EPA with its Draft 2020 Integrated Report (IR) in Dec. 2019. The Draft IR assessed waters against WQS not yet approved by EPA and are therefore not applicable for CWA purposes, including the IR. ADEQ submitted its Triennial Review WQS revision package to EPA within a month of the Draft IR. EPA has clearly communicated to ADEQ we cannot review an IR based on unapproved WQS. ADEQ may choose to revise its draft 2020 IR against approved WQS or delay their 2020 IR process until after EPA has acted on their 2019 Triennial Review WQS revisions. ADEQ may need to update their draft based on EPA actions on the WQS package. Arizona's final 2020 IR was due in April 2020.

### *Recommendations*

- ADEQ should modify workplan tasks in the current PPG to reflect work steps will complete within the performance period.
- ADEQ should identify TMDLs for impaired waters in addition to the Pinto Creek TMDL.
- If KOUI site activities are reducing pollution on impaired waters, then calculations of load reductions would help the NPS, TMDL, and IR programs. The load reduction information can be used to support watershed plans, TMDLs, or alternatives (5-alts, 4b, etc.). This would leverage the immediate KOUI effort to initially impact more waters, extend that impact to future impairment concerns, and remove more waters from the impair waters list.

## **SFY21 Priorities:**

- A completed submission of the Pinto Creek TMDL to EPA.

- ADEQ will continue to update EPA on KOUI site activities.
- ADEQ plans to complete a comprehensive Integrated Report by April 1, 2022.